

01-O-0219

(Do Not Write Above This Line)

AN ORDINANCE

Councilmember Vern McCarty

Vern McCarty

An Ordinance to abandon portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE, all lying and being in Land lot 41 of the 14th District, Fulton County, Georgia for services rendered; to waive the appraisal therefor; to authorize the issuance of a quitclaim deed; and for other purposes

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☒ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 2/5/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

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Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
- Readings
- ☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE

Councilmember Vern McCarty

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01-0 -0219

An Ordinance to abandon portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE, all lying and being in Land lot 41 of the 14th District, Fulton County, Georgia for services rendered; to waive the appraisal therefor; to authorize the issuance of a quitclaim deed; and for other purposes

WHEREAS, on June 21, 1999 the Council adopted an **"Ordinance to abandon portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE, all lying and being in Land lot 41 of the 14th District, Fulton County, Georgia"** and

WHEREAS, this legislation was signed by the Mayor on June 29, 1999; and

WHEREAS, the petitioner was desirous of closing these streets in order to gate a redeveloped apartment community; and

WHEREAS, Section 3 of said legislation stated that the petitioner of this abandonment would pay all costs associated with the advertisement and appraisal of said property; and

WHEREAS, Section 2-1578 Abandonment of streets states that © the Purchasing agent, shall: order an appraisal of the land to be sold based on fee simple fair market value.

WHEREAS, this property has yet to be appraised; and

WHEREAS, said property (Glas^{ds}tone Apartments) was a blighted property and has been redeveloped and revitalized by the petitioner; and

WHEREAS, the neighborhood is experiencing escalating crime problems which makes it unsafe for residents therein; and

WHEREAS, it is in the best interest of the public safety of the neighborhood that this property be gated.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA as follows:

Section 1: That the Council of the City of Atlanta, Georgia hereby deems that services rendered (**redevelopment and revitalization**) to the property by the petitioner is comparable to the value of the aforementioned parcels.

Section 2: That the appraisal provided for in Section 2-1578 be waived for the abandonment of the portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE, all lying and being in Land lot 41 of the 14th District, Fulton County, Georgia identified in Ordinance #99-O-0912 (attached).

Section 3: That the Mayor be and is hereby authorized to execute a quitclaim deed to said streets.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived.

CITY COUNCIL
ATLANTA, GEORGIA

99-0-0912

AN ORDINANCE

BY COUNCILMEMBER VERN MCCARTY & *Dahn Starn*

AN ORDINANCE TO ABANDON PORTIONS OF BURROUGHS STREET, SE, PARK AVENUE, SE, GAULT STREET, SE AND ROBERTS DRIVE, SE ALL LYING AND BEING IN LAND LOT 41 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a request from the abutting property owners to abandon portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE all lying and being in Land Lot 41 of the 14th District, Fulton County, Georgia, for their private use; and

WHEREAS, these abandoned rights-of-way will become part of the abutting owners' private property and will be their responsibility to maintain; and

WHEREAS, the request to abandon portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE is being reviewed by the appropriate City agencies and public utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That portions of Burroughs Street, SE, Park Avenue, SE, Gault Street, SE and Roberts Drive, SE all lying and being in Land Lot 41 of the 14th District, Fulton County, Georgia, as shown on the attached Exhibit "A", be and the same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain or replace said utility/facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated, at which time said easements shall expire.

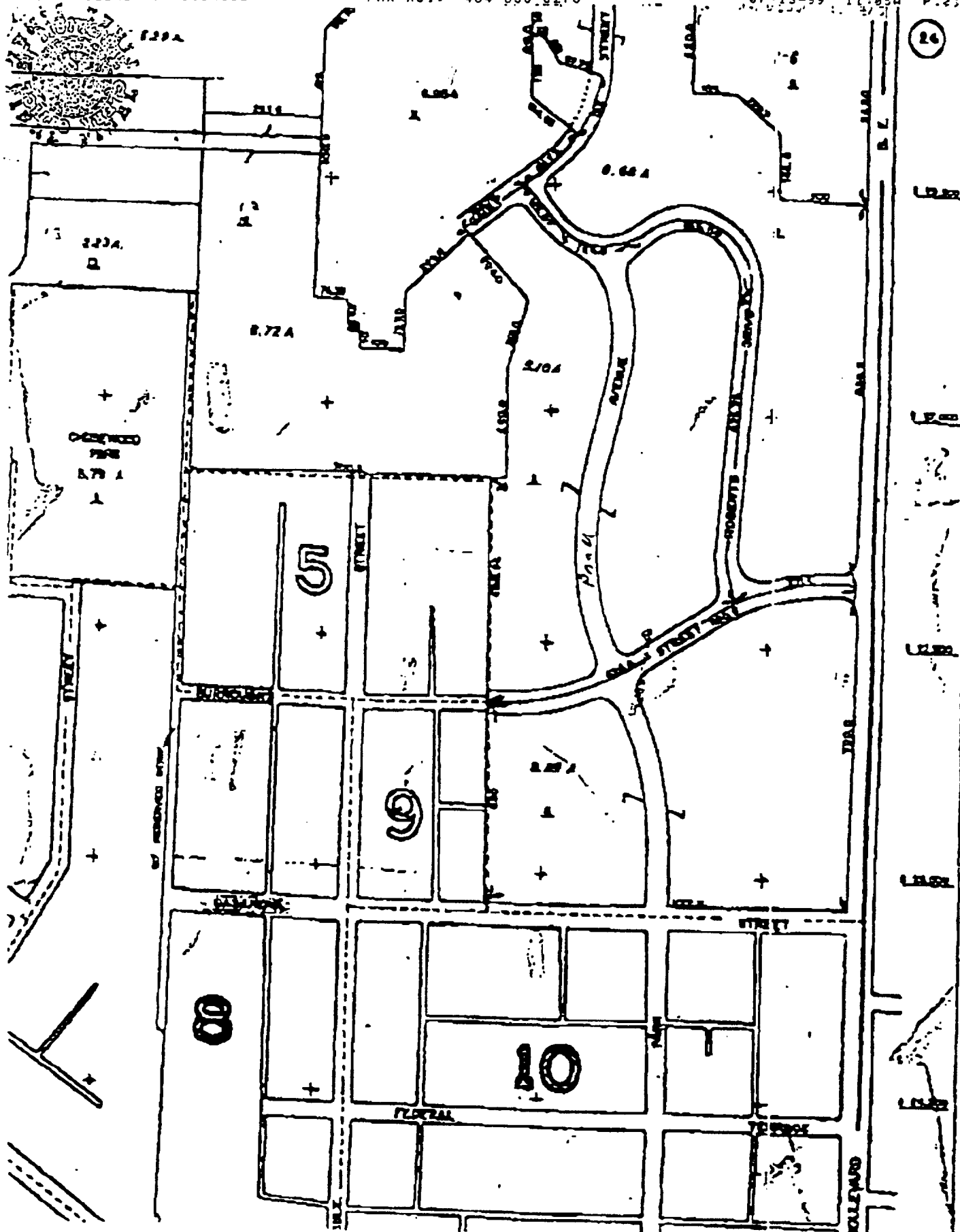
Section 3: The petitioner of this abandonment shall pay all costs associated with the advertisement and appraisal of said property.

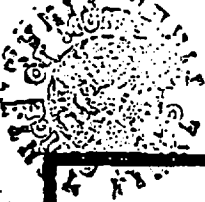
Section 4: That the Mayor be and is hereby authorized to execute a quitclaim deed to said streets, upon payment of the determined fair market value of said streets.

Section 5: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

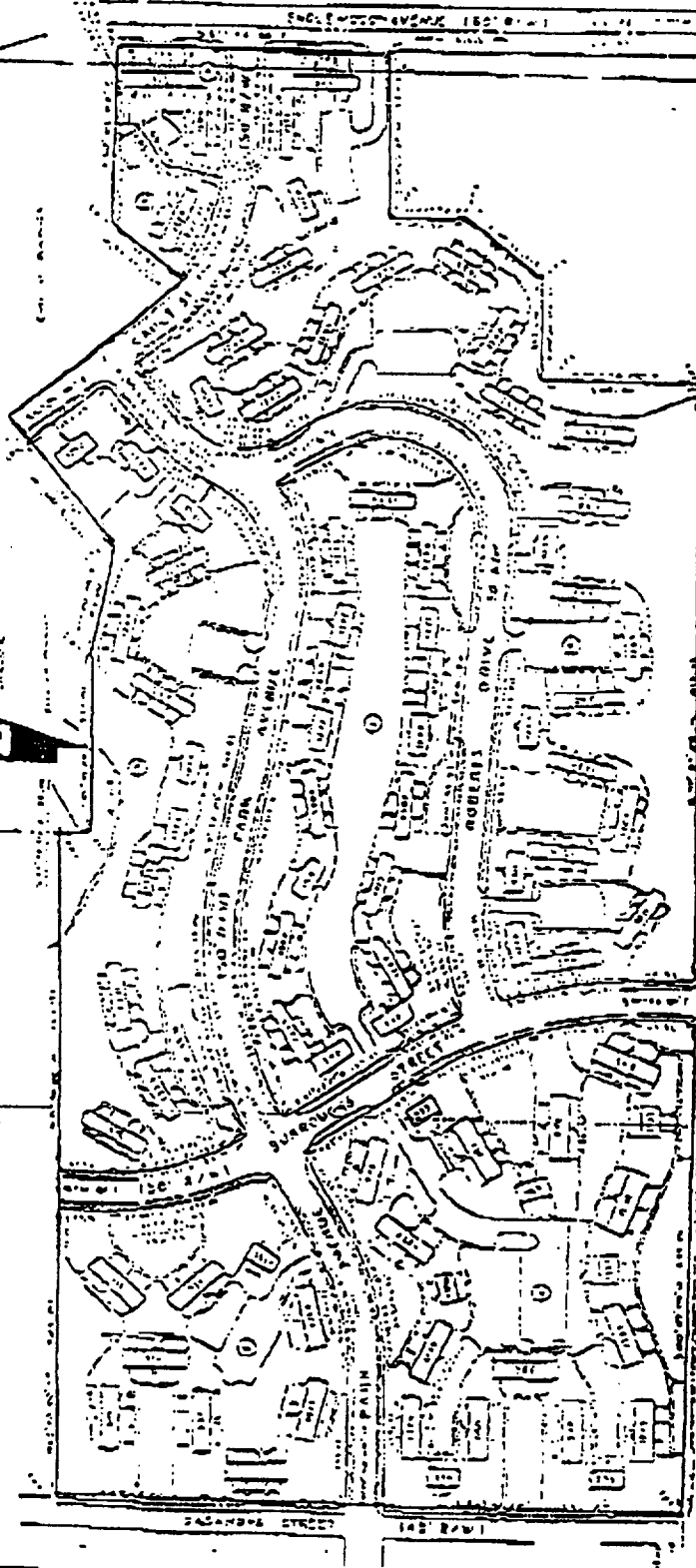
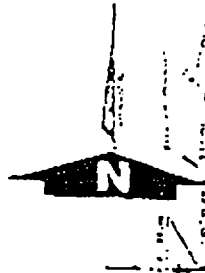
Rhonda Daughtrich Johnson
Municipal Clerk, CMCADOPTED by the Council
APPROVED by the MayorJune 21, 1999
June 29, 1999





Site Plan

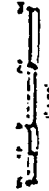
Approx. 5800 C.F. FENCE



100' 100' 100' 100' 100' 100' 100' 100' 100' 100'

ENTRANCE

Project located in
City of Atlanta, GA
Site plan for the proposed
development of the site
located at the intersection of
Roberts Drive and
Pain Avenue, Atlanta, GA
Site plan for the proposed
development of the site
located at the intersection of
Roberts Drive and
Pain Avenue, Atlanta, GA

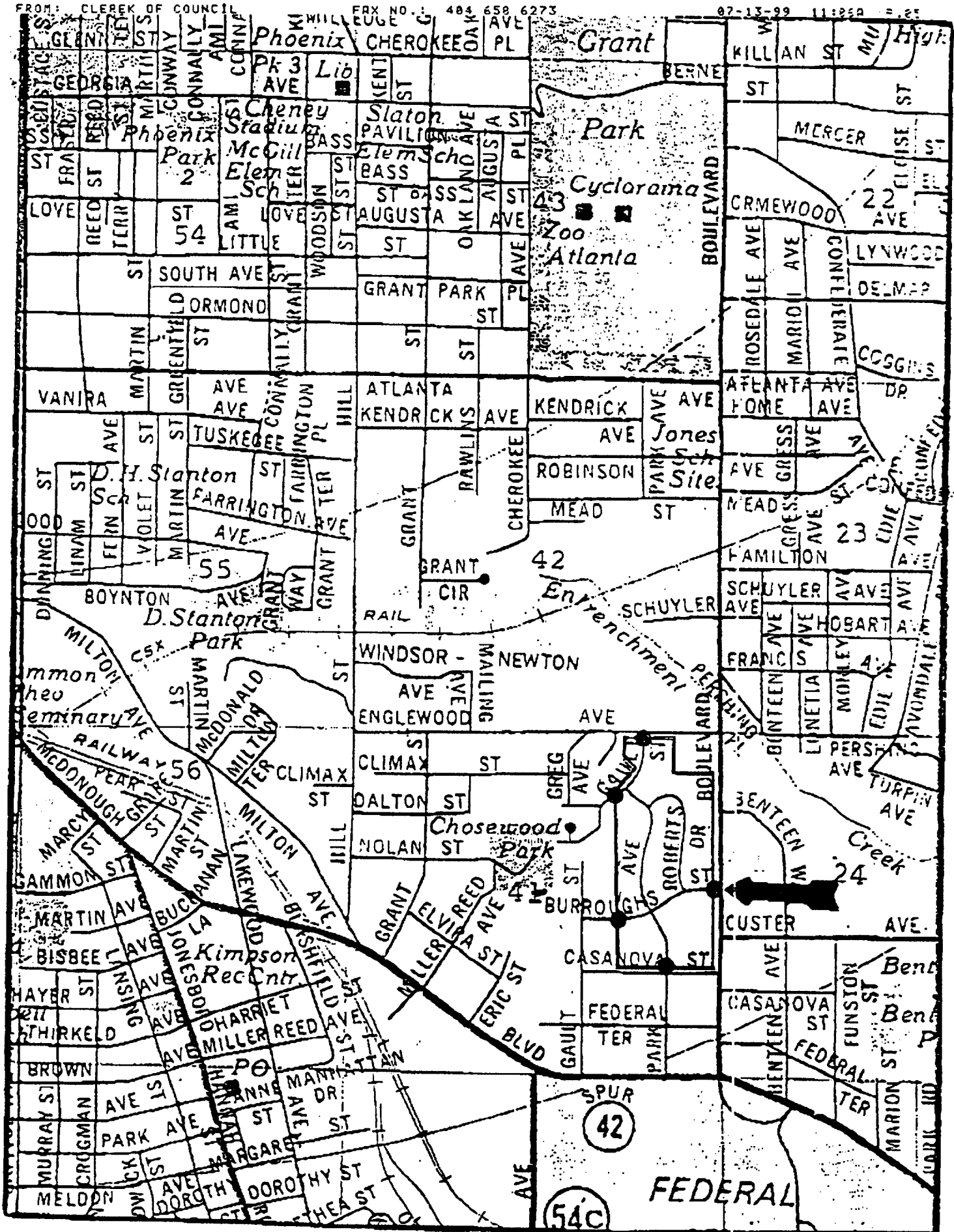


07/13/99

FROM: CLERK OF COUNCIL

FRX NO. 484 658 6273

07-13-99 11:25



99-0-0912

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER VERN MCCARTY

AN ORDINANCE TO ABANDON PORTIONS OF BURROUGHS STREET, SE, PARK AVENUE, SE GAULT STREET, SE AND ROBERTS DRIVE, SE ALL LYING AND BEING IN LAND LOT 41 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 21 1999

ATLANTA CITY COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
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Date Referred 5/14/99
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Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee

Date

Chair
Action:
Fay, Adv, Hold (see rev. side)
Other:

Members

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FINAL COUNCIL ACTION

- ☒ 2nd ☐ 1st & 2nd ☐ 3rd
- Readings
- ☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
JUN 21 1999

ATLANTA CITY COUNCIL PRESIDENT

Robert A. Parker

ATLANTA CITY COUNCIL PRESIDENT

MAYOR'S ACTION

APPROVED

JUN 29 1999

APPROVED
JUN 29 1999
Mayor

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

ATTORNEYS AT LAW

www.pgfm.com

PLEASE RESPOND: Atlanta Address

Direct Dial: 404-572-4503
E-mail: cwestmor@pgfm.com

Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
404 572-6600
Facsimile 404 572-6999

Sixth Floor
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 347-0066
Facsimile 202 624-7222

April 26, 1999

VIA HAND DELIVERY

Mr. Herbert Holmes
City of Atlanta
Department of Public Works
68 Mitchell Street, S.W.
City Hall, South
Suite 4350
Atlanta, Georgia 30335-0325

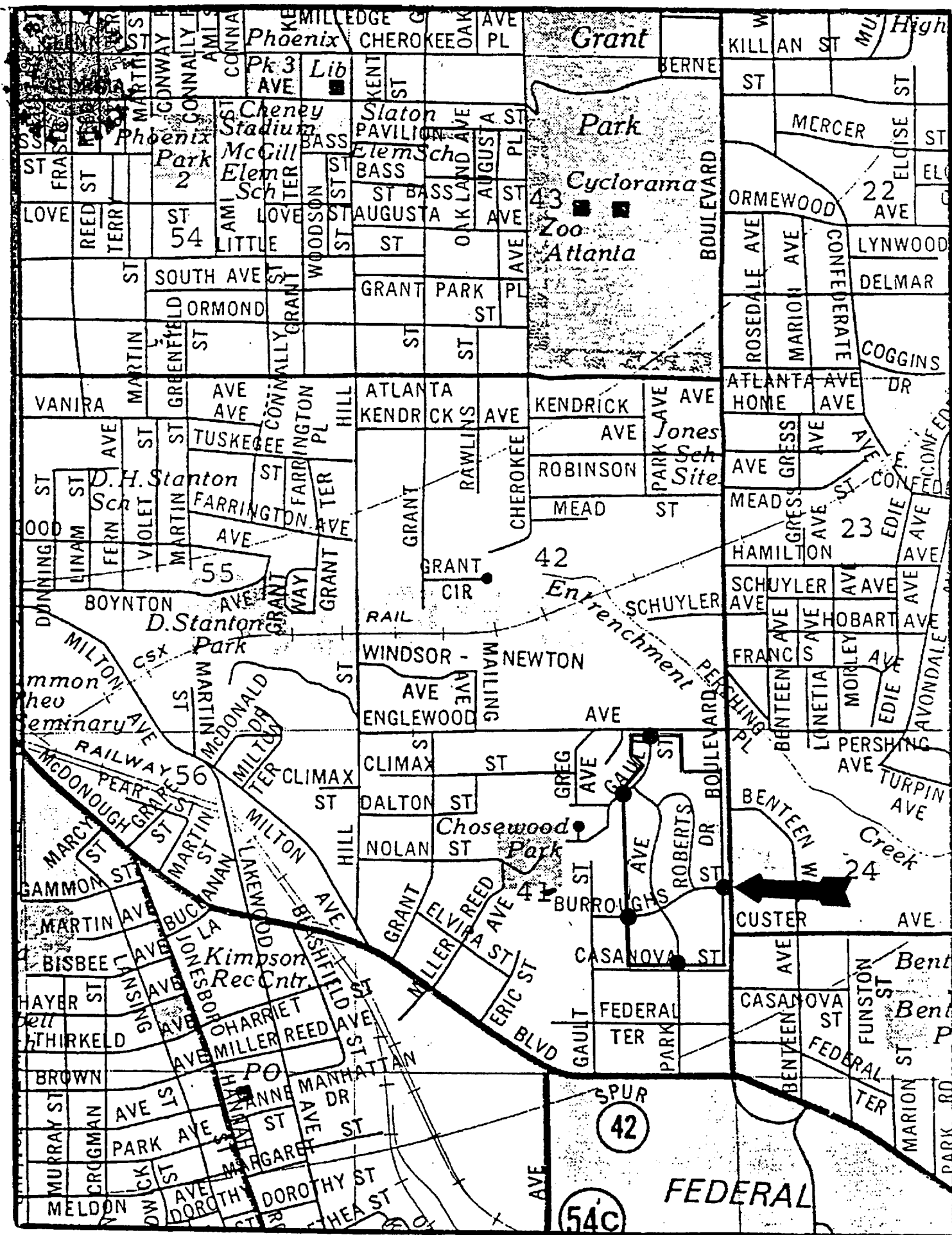
Re: Abandonment of Streets within the Gladstone Apartment Complex

Dear Mr. Holmes:

You may recall that we have spoken before about the request of Metzger and Company, owner of the Gladstone Apartments, to abandon portions of Burrough Street, Park Avenue, Roberts Drive and Gault Street through that complex. The request was originally made approximately three years ago and progressed through the NPU process. I believe that your department also received comments from several of the affected city departments.

It is my understanding that this matter was held up based on concerns by the Police Department that, while the streets were to be gated, that no perimeter fence would be installed unless it was paid for by the City. That is not and was never the intent of Metzger and Company. The request for abandonment of these streets had its origin in the continuing problem of robberies and home invasions in this apartment complex. I assume that the Police Department is well aware of this problem in the Gladstone Apartments as well as in the adjacent Inglewood AHA development. Metzger's proposal, if the streets can be abandoned, would be to enclose the development with a fence to be constructed at their expense and to gate the points of vehicular access. We understand that the vehicular gates would have to be designed in such a way as to allow emergency vehicle access.

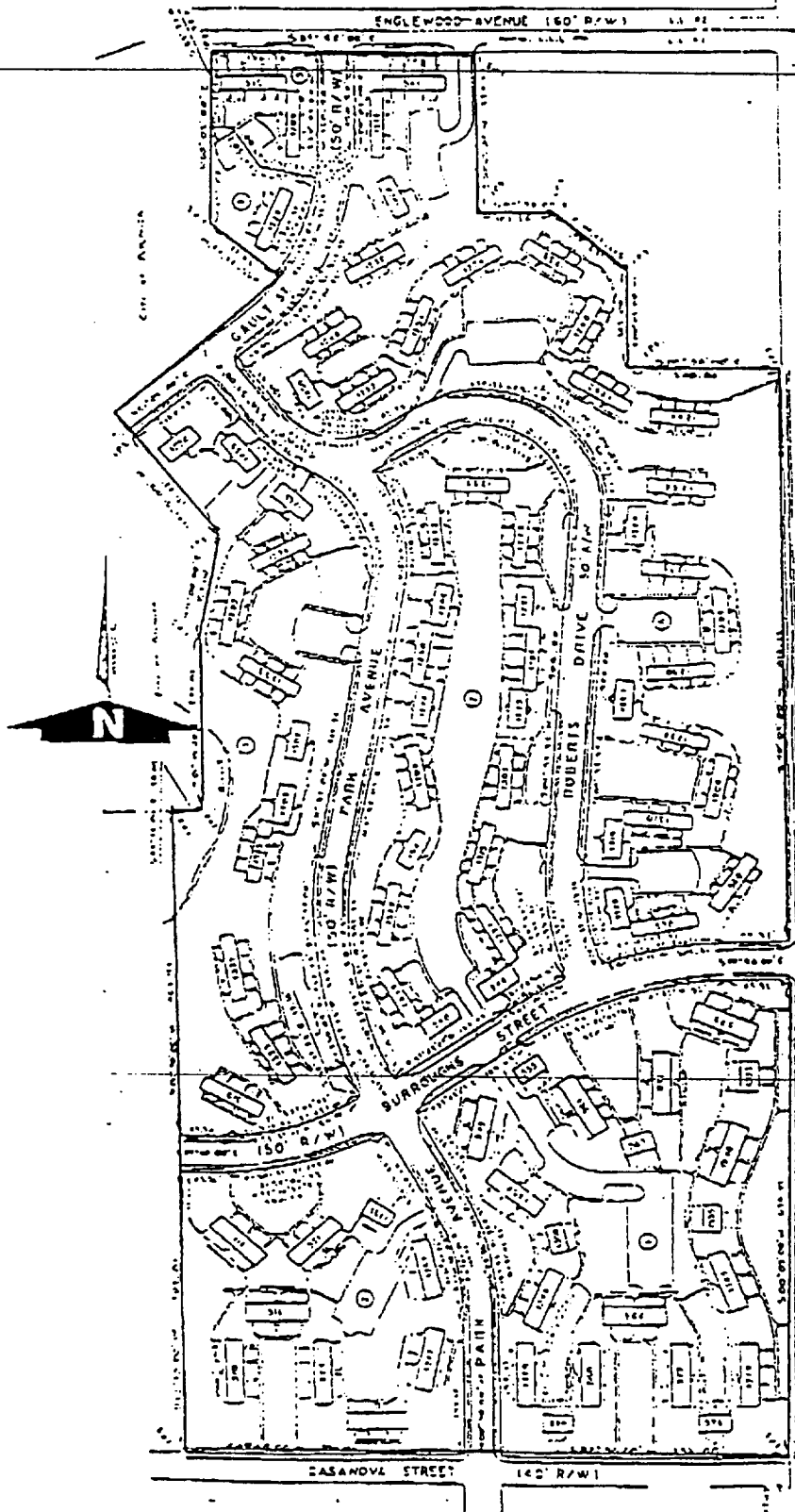
The purpose of this letter is to ask that you immediately reactivate this application. We will be glad to meet with you or members of any other city agency at your convenience to





Site Plan

Approx. 5800 C.F. Fence



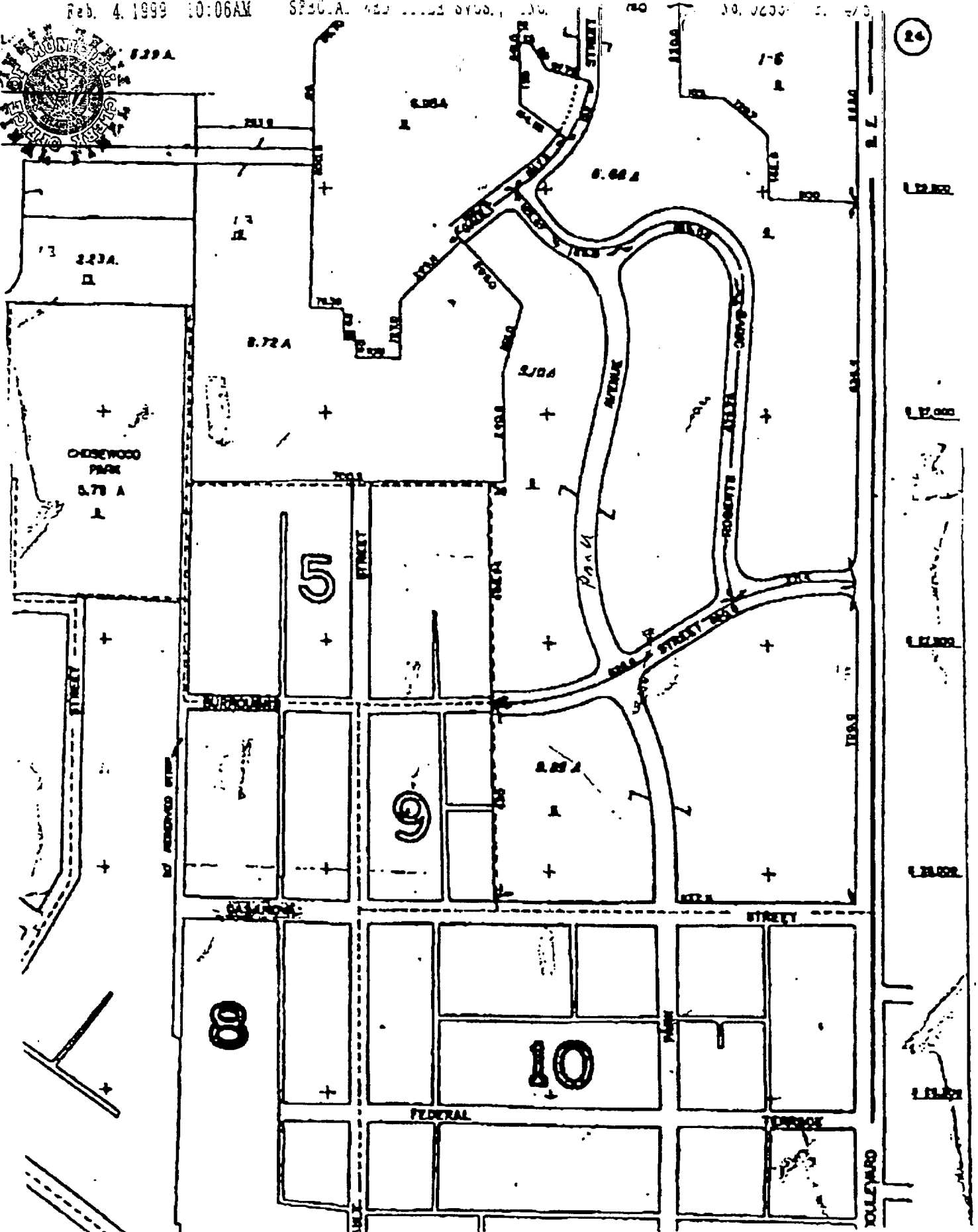
PROJECT: 11-1204
DATE: 11-1-79
DRAWN BY: J. L. BROWN
CHECKED BY: J. L. BROWN
SCALE: GRAPHIC ONE INCH = 20 FEET

ENTRANCE

Q.W.H.



24



POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

Mr. Herbert Holmes
April 26, 1999
Page 2

expedite this process. Please let me know the status of this application at your earliest convenience.

Very truly yours,



Carl E. Westmoreland, Jr.

CEWjr/mr
::ODMA\PCDOCS\ATL\295461\1

cc: Councilmember Vern McCarty
Ms. Carla Smith
Deputy Chief B.J. Rocker
Major H.R. Dunavant
Mr. Don Brown

QUIT-CLAIM DEED

Form 128

2736 241
1239716

STATE OF GEORGIA, WILSON County.

THIS INDENTURE, made this 2nd day of FEBRUARY in the year of our Lord One Thousand Nine Hundred and Fifty-Eight,
Under the Law of the State of Georgia
between WELLSWOOD APARTMENTS, INC. a Corporation organized in the State of Georgia
and THE CITY OF ATLANTA a Municipal Corporation of the State of Georgia

WITNESSETH: That the said part Y of the first part for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATIONS Dollars cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and conveyed by these presents bargain, sell, remise, release, and forever quit-claim to the said part Y of the second part, ITS heirs and assigns, all the right, title, interest, claim or demand which the said part Y of the first part has or may have had in and to:

All that tract or parcel of land lying and being in Land Lot 41 of the 14th District of Fulton County, Georgia and being all the property now layed out and used as streets, said streets being more particularly described as follows:

ROBERTS DRIVE, S. E. - being fifty (50) feet in width, beginning at the center line of Park Avenue, S. E. and running thence easterly, south easterly and southerly one thousand two hundred forty-seven (1247) feet to the center line of Burroughs Street, S. E.
BURROUGHS STREET, S. E. - being fifty (50) feet in width beginning at the center line of South Boulevard, S. E. and running thence westerly and southwesterly nine hundred thirty-three (933) feet to the west property line of Wellswood Apartments, Inc.
GAULT STREET, S. E. - being fifty (50) feet in width and beginning at the center line of Englewood Avenue, S. E. and running thence southerly and southwesterly three hundred sixty-four (364) feet and continuing with a width of twenty-five (25) feet southwesterly three hundred four (304) feet to the west property line of Wellswood Apartments, Inc. said twenty-five (25) foot strip being the southeast half of said Gault Street
ENGLEWOOD AVENUE, S. E. - being the south half of a sixty (60) foot street said tract being thirty (30) feet wide beginning at a point four hundred thirty (430) feet west of the center line of South Boulevard and running thence west three hundred seventy-five (375) feet to the west property line of the property of Wellswood Apartments, Inc.
PARK AVENUE, S. E. - being fifty (50) feet in width and beginning at the center line of Casanova Street and running thence northerly and north westerly one thousand four hundred fifty-three (1453) feet to the center line of Gault Street.
CASANOVA STREET, S. E. - being the north half of a forty (40) foot street and said tract being twenty (20) feet wide beginning at the center line of South Boulevard, S. E. and running thence westerly eight hundred eighty (880) feet to the west property line of the property of Wellswood

RECITAL - The purpose of this conveyance is to dedicate to the City of Atlanta all of the property now being used as right-of-way for the above named streets.

TO HAVE AND TO HOLD the said described premises unto the said part Y of the second part, ITS heirs and assigns, so that neither the said part Y of the first part nor ITS heirs, nor any other person or persons claiming under, IT shall at any time, claim or demand any right, title or interest in the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set its hand and affixed its seal the day and year above written.
Signed, sealed and delivered in presence of

Dorothy H. Smith
Walter Smith
WILSON SMITH

WELLSWOOD APARTMENTS, INC. (Seal)
W. E. Wells (Seal)
By *J. M. Johnson* (Seal)
J. M. Johnson (Seal)

NOTARY
SEAL
O. K.

Georgia, Fulton County, Atlanta, Georgia
This instrument was recorded on April 10, 1958
at 3:30 P. M.
by J. M. Johnson

'No. 0253 P. 5/5'

